

REMARKS

This Amendment is submitted in response to the outstanding Office Action, dated May 17, 2007. The present application was filed on February 26, 2004 with claims 1 through 20. Claims 1-3, 6-9, 12-16, and 19-20 were cancelled in prior amendments, without prejudice. Claims 4, 5, 10, 11, 17, and 18 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 4-5, 10-11 and 17-18 under 35 U.S.C. §102(e) as being anticipated by Chen et al. (United States Publication No. 2005/0160223).

Independent Claims 5, 11 and 18

Independent claims 5, 11, and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by Chen et al. Applicants traverse the §102(e) rejection of claims 4-5, 10-11 and 17-18 for at least the following reasons. Applicants concurrently file herewith a Declaration of Prior Invention Under 37 C.F.R. §1.131. The attached Declaration establishes conception of the invention prior to the effective date of Chen et al., coupled with due diligence from prior to such effective date until the filing date of the present application.

As indicated in the Declaration, the invention was conceived as early as May 13, 2003 as evidenced by the internal Agere System Requirements Document entitled "USS2827 USB 2.0 Device Controller." See also, Agere Systems Invention Submission, Submission No. 124809, entitled "ARM7 Processor based USB 2.0 Device Controller," Received by Agere IP Law on July 11, 2003. Mr. Kevin Mason and Mr. Daniel Devine, a co-inventor of the above-referenced application, met on January 12, 2004 to discuss the above-referenced application. Mr. Devine provided electronic copies of the disclosure material on February 3, 2004. A first draft of the application was sent via electronic mail by Mr. Mason to Mr. Devine on or about February 5, 2004. Mr. Devine approved the draft application on February 23, 2004. A final draft was sent via electronic mail to Mr. Devine on February 23, 2004. The final draft was approved on February 23, 2004 and the application was filed by Mr. Mason on February 26, 2004. Applicants maintain that the cited exhibits demonstrate conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to the filing of the application.

Accordingly, Applicants assert that, since the filing date of Chen et al is January

15, 2004, Chen et al. is not a proper prior art reference.

Applicants respectfully request the withdrawal of the rejection of pending claims 4, 5, 10, 11, 17, and 18.

All of the pending claims, i.e., claims 4, 5, 10, 11, 17, and 18, are in condition for
5 allowance and such favorable action is earnestly solicited.

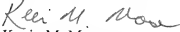
If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

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Respectfully submitted,

Date: October 9, 2008


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